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**Drawing Amendments**

There are no amendments to the drawings.

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### **Remarks**

This a full and timely response to the outstanding Office Action mailed on 04/07/2005. In response, please consider the following remarks. The Office Action rejected claims 1-4, 8, and 12-15 as being unpatentable under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,324,262 of R.J. Tuttle (hereafter referred to as Tuttle). Further, claims 5, 9, and 16 were rejected under 35 U.S.C. §103(a) as unpatentable over Tuttle in view of U.S. Patent No. 5,799,278 of M. Cobbett, et. al (hereafter referred to as Cobbett). Also, claims 6, 7, 10, 11, 17, and 18 were rejected under 35 U.S.C. §103(a) as unpatentable over Tuttle in view of Cobbett and further in view of U.S. Patent No. 5,842,165 of V.R. Raman, et. al (hereafter referred to as Raman). Finally, claims 19-23 were rejected under 35 U.S.C. §103(a) as unpatentable over Tuttle in view of Raman. No claims are being amended or cancelled in this response.

### **Rejection of Claims 1-4 under 35 U.S.C. §102(b)**

This rejection is respectfully traversed. Claim 1 recites:

receiving audio information from the destination endpoint;  
concurrently analyzing using automatic speech recognition the received audio information for a first type of classification and a second type of classification; and

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determining a call classification for the destination endpoint in response to the step of analyzing.

The Office Action states "concurrently analyzing the received audio information (column 6, lines 1-38), using a voice recognition unit (software program 70) (column 6, lines 9-18; column 4, lines 30-43)..." Software program 70 is not performing voice recognition since the program does not recognize words; but rather program 70 determines if a live person or answering machine has answered by determining how long the voice response is and not by doing voice recognition. (See column 6, lines 15-34.) As this cited text discloses, program 70 operates on the assumption that a live person answering a call will give a shorter response than an answering machine. In Tuttle, the text at column 4, lines 30-43, refers to operations performed by Dialogic hardware.

In summary, Tuttle does not anticipate claim 1 under 35 U.S.C. §102(b). Claims 2-4 are directly or indirectly dependent from claim 1 and are patentable for at least the same reasons as claim 1.

Rejection of Claim 8 under 35 U.S.C. §102(b)

This rejection is respectfully traversed. Claim 8 recites:

receiving audio information from the destination endpoint;  
concurrently analyzing using automatic speech recognition the received audio information for words and tones; and

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determining a call classification for the destination endpoint in response to the analysis for words and tones.

The Office Action states "concurrently analyzing the received audio information, using a voice recognition unit (software program 70) (column 6, lines 9-18; column 4, lines 30-43) for words and tones (column 6, lines 9-18 and column 6 lines 20-62); and determining call classification (answered by a live person or by an answering machine) ( column 6, lines 9-18; column 5, lines 6-11)". As noted with respect to claim 1, software program 70 does not perform voice recognition since the program does not recognize words; but rather, program 70 determines if a live person or answering machine has answered by determining how long the voice response is and not by doing voice recognition. (See column 6, lines 15-34.) As this cited text discloses, program 70 operates on the assumption that a live person answering a call will give a shorter response than an answering machine. Tuttle also discloses that "The CT hardware (20 of FIG. 1) can detect an answering machine by analyzing the frequency of the background noise present in the called party's voice response and compares it to a profile of the background noise typical of recorded messages." (See column 6, lines 5-9.) There is no disclosure or suggestion that voice recognition is implemented by CT hardware 20.

In Tuttle, there is no disclosure or suggestion that voice recognition is used to determine tones. It appears that detection of tones such as busy tone is performed by CT

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hardware 20. The Office Action refers to the detection of a beep tone from an answering machine; however, the identification of a beep tone is made after program 70 has determined that an answering machine has answered the call as is clearly shown in FIG. 3B and accompanying text. Also, CT hardware appears to detect the beep tone, and program 70 is merely doing timing.

In summary, Tuttle does not anticipate claim 8 under 35 U.S.C. §102(b).

Rejection of Claims 12-15 under 35 U.S.C. §102(b)

Claim 12-15, as presently in the application, are patentable under 35 U.S.C. §102(b) for the same reasons as claim 1 and claims 2-4.

Rejection of Claim 5 under 35 U.S.C. §103(a)

Claim 5 is directly or indirectly dependent on claim 1 and is patentable for at least the same reasons as claim 1. Claim 5 is further patentable under 35 U.S.C. §103(a) over Tuttle in view of Cobbett. The Office Action states that "Cobbett discloses using a Hidden Markov Model, which is popular for speech recognition, to recognize a number of words or tones (column 1, lines 16-24; column 32-61). Applicants find no mention that Cobbett teaches using a Hidden Markov Model to identify tones in the cited text. Applicants have no idea to which text "column 32-61" refers but a text search of Cobbett only found the following one reference to tone detection "The VPACK

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represents the actual interface to the telephone trunk, and provides various telephony functions such as tone detection, data compression etc. The RPACK provides a speech recognition function as described in more detail below." (See column 7, lines 9-13.) Clearly, Cobbett does not perform tone detection using voice recognition.

Rejection of Claim 9 under 35 U.S.C. §103(a)

Claim 9 is directly or indirectly dependent on claim 8 and is patentable for at least the same reasons as claim 8. Claim 9 is also patentable under 35 U.S.C. §103(a) over Tuttle in view of Cobbett for similar reasons as those set forth for claim 5.

Rejection of Claim 16 under 35 U.S.C. §103(a)

Claim 16 is directly or indirectly dependent on claim 12 and is patentable for at least the same reasons as claim 12. Claim 16 is also patentable under 35 U.S.C. §103(a) over Tuttle in view of Cobbett for similar reasons as those set forth for claim 5.

Rejection of Claims 6 and 7 under 35 U.S.C. §103(a)

Claims 6 and 7 are patentable under 35 U.S.C. §103(a) over Tuttle in view of Cobbett and further in view of Raman for similar reasons as those set forth for claim 5 since Raman does not remedy the deficiencies of Tuttle and Cobbett. Tuttle, Cobbett and Raman individually or combined do not

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teach or suggest using voice recognition to determine both words and tones.

Rejection of Claims 10 and 11 under 35 U.S.C. §103(a)

Claims 10 and 11 are patentable under 35 U.S.C. §103(a) over Tuttle in view of Cobbett and further in view of Raman for similar reasons as those set forth for claim 9 since Raman does not remedy the deficiencies of Tuttle and Cobbett. Tuttle, Cobbett and Raman individually or combined do not teach or suggest using voice recognition to determine both words and tones.

Rejection of Claims 17 and 18 under 35 U.S.C. §103(a)

Claims 17 and 18 are patentable under 35 U.S.C. §103(a) over Tuttle in view of Cobbett and further in view of Raman for similar reasons as those set forth for claim 16 since Raman does not remedy the deficiencies of Tuttle and Cobbett. Tuttle, Cobbett and Raman individually or combined do not teach or suggest using voice recognition to determine both words and tones.

Rejection of Claim 19 under 35 U.S.C. §103(a)

This rejection is respectfully traversed. Claim 19 recites:

A call classifier for determining the call classification of a called destination endpoint, comprising:

an automatic speech recognizer for detecting first and second characteristics in audio information received from the called destination endpoint; and

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inference engine for classifying the call in response to the automatic speech recognizer.

The Office Action states that "Tuttle discloses...an automatic voice recognition unit (software program 70) (column 6, lines 9-18; column 4, lines 30-43) for detecting a first (answered by a live person) and a second (answered by a an answering machine) in audio information received from a destination endpoint (column 6, lines 1-38). Tuttle teaches determining a call classification whether it is being answered by a live person or by an answering machine, fails to teach an inference engine (comparison software) for determining said classification." Software program 70 is not performing voice recognition since the program does not recognize words; but rather program 70 determines if a live person or answering machine has answered by determining how long the voice response is and not by doing voice recognition. (See column 6, lines 15-34.) As this cited text discloses, program 70 operates on the assumption that a live person answering will give a shorter response than an answering machine. Further, Tuttle has no need to incorporate an inference engine from Raman (if an inference engine was taught in Raman) since Tuttle already teaches how to determine if a live person or answering machine answered based on the length of the voice response.



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Rejection of Claims 20-23 under 35 U.S.C. §103(a)

Claims 20-23 are directly or indirectly dependent on claim 19 and are patentable for at least the same reasons as claim 19.

Summary

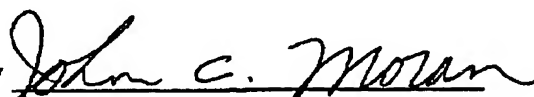
In view of the foregoing, applicants respectfully request reconsideration of original claims 1-23 and allowance of these claims.

Although the foregoing is believed to be dispositive of the issues in the application, if the Examiner believes that a telephone interview would advance the prosecution, the Examiner is invited to call applicants' attorney at the telephone number listed below.

Respectfully,

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